IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 24315 of 2007(T)

PETITIONER:

1. R.RAGHUNATHAN NAIR,
   NMR OPERATOR, KADUTHURUTHY SECTION,
   KERALA WATER AUTHORITY, PIRAVOM DIVISION,
   ERNAKULAM DISTRICT.

2. V.C.JACOB, NMR PLUMBER, P.H.SECTION,
   KERALA WATER AUTHORITY, PALA, KOTTYAM

3. K.T.JOY, N.M.R.OPERATOR,
   WATER WORKS SECTION NO.II,
   KERALA WATER AUTHORITY,
   KOTTAYAM.

4. GEORGE MATHEW, NMR OPERATOR,
   MEDICAL COLLEGE SECTION,
   KERALA WATER AUTHORITY,
   KOTTAYAM.

5. P.K.MOHANAN, NMR OPERATOR,
   P.H.SECTION,
   KERALA WATER AUTHORITY, PONKUNNAM,
   KOTTAYAM.

BY ADVS. SRI.M.R.GOPALAKRISHNAN NAIR
SRI.K.KRISHNANKUTTY NAYAR

RESPONDENTS:

1. THE STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO THE
   GOVERNMENT,
   WATER RESOURCES DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
JALA BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.24315 of 2007 T

Dated this the 24th day of October, 2007.

JUDGMENT

The petitioners are currently working as NMR operators in the Water Authority. They were originally appointed as CLR workers and were later brought into the NMR roll. All the petitioners are qualified to work as NMR workers in different categories. The petitioners were promoted as NMR operators on different dates. They seek regularization in the post of NMR operators.

2. The water authority has filed a counter affidavit contending that the petitioners are not entitled to regularisation as NMR operators. However, they are nevertheless working as NMR Operators. They were actually regularized as CLR workers and this was done after obtaining orders of the Government. According to the standing counsel for the Water Authority, unless the Government sanctions regularization, it may not be possible for the Water Authority to regularize the persons, who are not qualified to continue as NMR operators.

3. Learned counsel for the petitioners refers to G.O.(MS)No.53/2005/WRD dated 21.10.2005, referred to in Ext.P11 order, by which, apparently, the Government had granted sanction to the Water Authority to regularize 328 unqualified persons in different categories as done therein, with prospective effect in relaxation of the technical educational qualification. The petitioners contend that they are entitled to parity of treatment.

4. After hearing learned counsel for the petitioners and the learned standing counsel, the writ petition is disposed of in the following terms:

(a) The petitioners may file a representation before the first respondent Government claiming a promotion similar to that accorded to 328 unqualified NMR workers as per G.O.(MS)No.53/2005/WRD dated 21.10.2005 referred to in Ext.P11 order, within a period of four weeks from the date of receipt of a copy of this judgment.

(b) The Government shall consider that representation, take a decision

thereon in the light of any previous orders passed by the Government, and communicate the same to the Water Authority within a period of 3 months, if necessary after hearing the petitioners.

(c) If the Government accords sanction the Water Authority shall pass consequential orders, regularizing the petitioners as NMR operators and corresponding categories without further delay as such.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge